

108+216

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-24221-2023 (O&M)
Date of decision : 25.01.2024**

Manish Kumar Sharma

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sandeep S. Majithia, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab.

Mr. Pradeep Virk, Advocate,
for the complainant.

MAHABIR SINGH SINDHU, J.

CRM-32662-2023

Application for placing on record Annexures P-8 to P-11
is allowed as prayed for, subject to all just exceptions.

Registry to do the needful.

Main case

Present petition has been filed under Section 439 of the
Code of Criminal Procedure for grant of bail pending trial to the
petitioner in FIR No.12 dated 24.01.2022, under Sections 304, 201, 379
read with Section 34 of the Indian Penal Code, 1860 (for short, 'the
IPC') and Section 302 of the IPC (added subsequently), registered at
Police Station, Chhatiwind, District Amritsar Rural.

2. Allegations are that petitioner along with other co-accused murdered Inderpartap Singh after administering some poisonous substance; stole his articles; and threw dead-body in the area of Vanchari, District Amritsar.

3. Contends that above FIR was registered on 24.01.2022 against some unknown persons and as per the initial version, it is alleged that deceased Interpartap Singh left home on 16.01.2022, but did not return back and ultimately, his dead-body was recovered from the drain of Village Vanchari. Further contends that after more than 07 months, i.e. on 26.08.2022, the mother of deceased made supplementary statement implicating the petitioner along with his family members. Also contends that as a matter of fact, on the date of alleged occurrence petitioner was not present in District Amritsar or Tarn Taran; rather he had gone to Ganganagar for attending funeral of a close relative. Lastly contends that deceased was a drug-addict, undergoing treatment at Bhatia Neuropsychiatric and De-Addiction Centre; therefore, such a person cannot be expected to carry laptop or other valuable articles as alleged by the prosecution.

4. *Per contra*, learned State counsel, on instructions, opposed the prayer on the ground that there are specific allegations and sufficient material against the petitioner for committing the crime. Further submitted that petitioner is involved in various criminal cases; thus in case released on bail, he is most likely to influence the PWs and hamper the trial.

5. Learned counsel for the complainant also opposed the prayer while supporting the prosecution that petitioner is having criminal antecedents and in case released on bail, he shall pressurize the witnesses.

6. Heard both sides and perused the paper-book.

7. It transpires that during investigation, petitioner as well as co-accused got recovered certain articles belonging to the deceased, i.e. one black colour bag containing laptop make HP colour silver; one purse containing Rs.760/-; Aadhar Card, Driving Licence; and one ATM Card (HDFC Bank) from their house.

8. Also discernible that petitioner was nominated in FIR No.11 dated 21.01.2022, for the offences under Sections 307, 120-B of the IPC, at Police Station, City, Tarn Taran, at the instance of one Ranjit Singh (complainant in FIR No.11), who stated that two unknown persons came in Alto Car from the drain side of village Vanchirri and threw something in the drain. When complainant (in FIR No.11) tried to stop them for verification, petitioner and his co-accused hit their car against complainant's brother, Amarjit Singh and sped away from the spot. Upon investigation, the article allegedly thrown by petitioner and his co-accused was found to be the dead-body of Inderpratap Singh.

9. Although, petitioner has taken the plea of *alibi*, but taking into consideration the fact that charges have already been framed against the petitioner under Sections 302, 304, 379 and 201 read with Section 34 of the IPC; therefore, the same would be examined by

learned trial Court at appropriate stage and as such, it is too preposterous to express any opinion in this regard.

10. Moreover, from perusal of para No.13 of the affidavit dated 01.10.2023, it is apparent that petitioner is involved in other criminal cases of different nature, including under NDPS Act and details of which are as under:-

Sr. No.	FIR No.	Under Section(s)	Police Station
1.	FIR No.09 dated 12.01.2025	406, 420, 34 of IPC	Sadar Tarn Taran
2.	FIR No.170 dated 09.06.2018	392, 506, 347, 120-B of IPC	City Tarn Taran
3.	FIR No.308 dated 29.11.2018	379-B, 342, 347, 506 of IPC	City Tarn Taran
4.	FIR No.39 dated 15.03.2021	379-B of IPC	Sadar Tarn Taran
5.	FIR No.81 dated 23.04.2022	379-B(2), 386 of IPC	Sadar Tarn Taran
6.	FIR No.166 dated 20.07.2022	379-B(2), 342, 323, 506 of IPC	City Tarn Taran
7.	FIR No.11 dated 21.01.2022	307 of IPC	Sadar Tarn Taran
8.	FIR No.08 dated 02.02.2016	379-B of IPC	Kartarpur, District Jalandhar
9.	FIR No.222 dated 18.06.2014	420, 120-B of IPC	City Tarn Taran

11. Apart that, as on today, *prima facie*, there is sufficient material against the petitioner regarding his complicity.

12. In view of the above, it appears that petitioner is habitual offender, having no respect for the rule of law; thus, does not deserve the concession of bail pending trial, at this stage.
13. In such a scenario, there is no option except to dismiss the petition.
14. Ordered accordingly.
15. It is clarified that observations made above shall not be construed as an expression of opinion on merits of the controversy, in any manner.
16. Pending application(s), if any, shall also stand disposed off.

25.01.2024
atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/ reasoned : Yes / No

Whether reportable : Yes / No